

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

SUITS –Land Acquisition–Srisaillam Right Branch Canal – Lands acquired at Nandavaram Village, Banaganapalli Mandal in Kurnool District for excavation of SRBC Main canal– O.P.Nos.138/94 & batch cases on the file of Prl. Sr.Civil Judge Court, Nandyal- disposed off – Market value enhanced–Appeals dismissed by the High Court– Depositing of balance decretal amount in the Lower Court – Budget sanctioned- Orders – Issued.

IRRIGATION & CAD(PW.LA.II)DEPARTMENT

G.O.Rt.No. 103

Date:17-02-2009
Read the following:-

- 1) From the Special Deputy Collector(LA), Srisaillam Right Branch Canal, Nandyal Lr.Rc.C.73/2004, Dated:07.03.2008.
- 2) From the Special Collector, Srisaillam Project, Kurnool Lr.Rc. No. B6/255 /2008 ,Dated:17-06-2008.
- 3)From the Spl.Chief Secretary to Govt.&CCLA, A.P.,Hyderabad, Letter .No .SRP4/705/2008, dt.01-12-2008.

O R D E R:

The Special Deputy collector (LA)SRBC ,Nandyal in his letters 1st read above has reported that the dry lands in Survey .No.680/2B etc., for an extent of 63.70 acres of Nandavaram Village, Banaganapalli Mandal in Kurnool District by fixing the Market value @ Rs.10,000/- per acre for dry lands for category-I lands and @ Rs.15,000/- per acre for ID lands (category-II) through Award No.5/1991-92 ,Dated:10.01.1992 for excavation of SRBC Main Canal . Aggrieved with the Market value awarded by the L.A.O. , the awardees have filed petitions u/s 18 of the L.A. Act with a request to refer the matter to the Civil Court for adjudication . On making references u/s 18(1) of L.A. Act to the Lower Court , the Principal Senior Civil Judge Court , Nandyal had delivered Judgements enhancing the market value from Rs.10,000/- per acre to 35,000/- per acre for Category-I, lands and from Rs.15,000/- per acre to Rs.40,000/- per acre for Category-II lands in O.P.No.145/1994 &Batch, Dated:22.01.2004.The claimant is entitled 30% solatium and Additional Market Value Per annum from the date of notification or possession whichever is earlier till the date of Award, interest at 9% P.A. for the first year from the date of taking possession and 11% per annum till the date of payment on the enhanced compensation and solatium too. Aggrieved with the market value enhanced by the Lower Court , the special Deputy Collector,LA, SRBC,Nandyal has filed appeal in the Hon'ble High Court of A.P., Hyderabad Subsequently, the High Court of A.P., Hyderabad in its judgement dated :11.10.2007. in LAAS. Nos .198 ,199 ,202 ,218 ,223 ,248 ,249 ,405,543,544,547 of 2005 and 700 &829of 2006,has dismissed the appeals by confirming the Decrees of the Lower court; and also ordered that the claimants are entitled to interest at 9% p.a. from the date of notification for one year and there after at 15% p.a. On this judgement , the Government Pleader for Appeals , HighCourt of A.P., Hyderabad, vide his Lr..No.A.S .198/ 05 /A4 6-2-2008 has informed that the findings recorded by the Hon'ble High Court are based upon evidence on record and therefore,there are no valid grounds to disagree with the findings recorded by the Hon'ble High Court . The G.P.has opined that it is not a fit case to prefer any further appeal to Hon'ble supreme Court of India and advised to comply with the orders of the Hon'ble High Court immediately without any further delay so as to avoid payment of exorbitant rate of interest. Based on the opinion of the G.P. for appeals , the Specila Deputy Collector (LA) SRBC ,Nandyal has submitted the decretal charges proposal to the Spl.Collector, SSP, Kurnool with a request to sanction and release of budget in this case.

2. In turn, the Special Collector, Srisaillam project , Kurnool in his letter 2nd read above has submitted budget proposals for an amount of Rs.28,26,102/- towards payment of balance decretal charges in respect of O.P.No. 145/94 and batch 13 cases pertaining to Nandavaram village of Banaganapalli Mandal in

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Kurnool District through Chief Commissioner of Land Administration , A.P., Hyderabad with a request to recommend for the same to the Government.

3.. The Spl.CS to Govt & CCLA Hyderabad in his letter 3rd read above has sent the above proposal of Spl.Collector , SSP, Kurnool to the Government for sanction of decretal charges in O.P.No.145/94 and batch as the commissioner Legal affairs opined that the batch appeals were disposed off by the High Court on 11.10.2007. Neither there is time for nor merits for further appeal.

4. In the circumstances reported by the Special Collector, Srisailem Project, Kurnool in the reference 2nd read above and in view of the report of Special Chief Secretary to Government and Chief Commissioner of Land Administration, Hyderabad thereon in the reference 3rd read above and Government after careful examination the matter hereby accord sanction for an amount of Rs.28,26,102 (Rupees Twenty eight lakhs twenty six thousand one hundred and two only) towards payment of balance decretal charges to be deposited in the Lower Court to the credit of OP No's.137,138,139,140,141,142,145,147,148,149,150,151 and 152 of 1994,145/94 & (batch 13 cases) pertaining to Nandavaram village, Banaganapalli Mandal in Kurnool District in connection with the lands acquired for excavation of SRBC main canal.

5. The Special Collector, SSP, Kurnool is, directed to deposit the above sanctioned decretal amount in the respective court after thorough verification of calculations made by the Land Acquisition Officer once again at his level and also verify the decrees and decretal charges if any, already paid. He is also directed to follow the directions of Hon'ble High Court dated 30-4-2007 in WP No.2181/2005 in depositing the above sanctioned decretal amount in the respective court.

6. The amount sanctioned in para (4) above shall be debitable to the detailed Head of Account "2701 –COL on Major and Medium Irrigation; 01 – Major Irrigation (Commercial); MH 123 –SRBC; G.H. 11- Normal State Plan; S.H. (27) Canals and Distributaries; 530 Major Works; 532 – Lands (charged)".

7. This order issues with the concurrence of Finance(W&P) Department vide their U.O.No.306/F4(1)/2009-1, dt.03.02..2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

RAJIV RANJAN MISHRA
SECRETARY TO GOVERNMENT

To

The Special Collector, Srisailem Project, Kurnool,
The Special Chief Secretary to Govt. & Chief Commissioner
of Land Administration, Hyderabad
The Chief Engineer(P), Irrigation, Cuddapah
The Chief Engineer(P), Irrigation, Kurnool.
The Engineer-in-Chief, Irrigation, Errumanzil, Hyderabad
The Special Deputy.Collector, (LA), SRBC, Nandyal, Kurnool District.
The Accountant General, AP, Hyderabad
The Director of Works & Accounts, Hyderabad.
The District Treasury officer, Kurnool
The Joint Director, Works & Accounts TGP, Kadapa.
The Pay & Accounts Officer , Nandyal

Copy to:-

The PS to Minister (Major Irrigation)
The P.S. to Secretary(Irrigation&CAD),
The Law Department
The Finance(Works & Projects)Department,
SF/SCs.

//FORWARDED::BY ORDER//

SECTION OFFICER